IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

FAO No.1228 of 2007 (O&M)

Decided on : May 10, 2007

Smt.Parkasho Devi and others **...**Appellants

VERSUS

Gurbachan Singh and another **...**Respondents

CORAM :
HON'BLR MR.JUSTICE A.N.JINDAL

Present: Ms.Shagun Kathuria, Advocate for the appellants.

A.N.JINDAL, J.-

The Motor Accident Claims Tribunal, Ambala vide its judgment dated 31.1.2006 awarded a sum of Rs.3,84,000/- to the claimants and against the respondents, on the death of Ramesh Kumar husband of Parkasho Devi and father of Kanshi Ram, Mamta Devi, Normo Devi and Jai Kumar (all appellants/claimants). Aggrieved by the aforesaid award, the claimants (appellants) have sought enhancement of compensation.

Along with appeal two applications; CM No.5966-CII of 2007 for condonation of delay in refiling and CM No.5967-CII of 2007 for condonation of delay in filing of the appeal qua appellant No.3, have also been filed.

For the reasons mentioned in the applications, the delay in refiling and filing the appeal is condoned.

Ramesh Kumar (deceased) was 40 years old and was only a mule-cart owner (Khachar-Rehra). After taking into consideration facts and circumstances of the case, the Tribunal rightly assessed his income as Rs.2400/- per month as his income could not be assessed more than a daily-wage labourer. Thus, after deducting 1/3rd of his income, which he might have been spending on himself, liability towards dependents comes to Rs.19,200/- per annum and after applying multiplier of 15, the Tribunal rightly calculated the total dependency of the deceased to the tune of Rs.2,88,000/-. Besides, the aforesaid compensation, appellant No.1 (wife of the deceased) has been awarded Rs.7000/- towards funeral expenses and Rs.5000/- towards loss of consortium. That apart, Rs.84,000/- have been awarded on account of expenses on the treatment of Ramesh Kumar (deceased). Thus, to my mind, total compensation awarded to the claimants to the tune of Rs.3,84,000/- on account of the death of Ramesh Kumar, does not appear to be inadequate.

Consequently, finding no merit in the appeal, the same is hereby dismissed in limine.

May , 2007 (A.N.JINDAL)
gian JUDGE

To be Referred to Reporter - **Yes/ No**